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To the Joint Standing Committee on Taxation co-chairs Senator Grohoski and Representative Perry, and esteemed members of the committee, I offer my thanks for taking the time to allow me to introduce LD 629, *An Act to Improve, Protect and Defend the Individual Civil Right to Bear Arms Through Exemption of Firearms and Ammunition from Taxation*. The concept behind that bill explains itself. Through my presentation, however, you'll find the bill I present to you today is to be fundamentally restructured and should be retitled: *An Act to Improve, Protect and Defend Wildlife Conservation in Maine through Redirection of Funds from Sale and Use Tax on Firearms and Ammunition*. My name is Donny Ardell, and I represent House District 6.

In the early 1900s, it became universally recognized that wildlife populations in the United States were in severe decline, with fear of some species disappearing altogether, predominantly from loss of suitable habitat. Congress understood that without protection for wildlife habitat, and funding for that protection for wildlife habitat, there would be little, if anything, left to conserve. In 1937, the *Federal Aid in Wildlife Restoration Act*, 16 USC 669, commonly known as the *Pittman-Robertson Act*, was enacted with strong support from members of the sporting industry. *Pittman-Robertson* redirected an existing federal excise tax imposed on the wholesale price of firearms and ammunition, in the form of an 11% tax on shotguns and rifles, firearm parts, accessories, ammunition, and archery equipment, and a 10% tax on handguns, to U.S. states for conservation efforts such as wildlife management, habitat improvement, and hunter education.

Converting the federal excise tax percentages to a typical consumer purchase, a modestly-priced hunting rifle costing \$500 wholesale, is providing \$49.55 toward *Pittman-Robertson* resources specifically designated to fund state conservation efforts. A \$35 box of ammunition for that rifle provides another \$3.47.

After the excise tax has been collected, *Pittman-Robertson* funds are allocated to U.S. states by the U.S. Fish & Wildlife Service, in part through matching funds provided as grants for state-managed wildlife restoration projects. State buy-in to those projects eligible for the grants can be as low as 25%, with *Pittman-Robertson* funds fulfilling the remaining 75%, creating a 3:1 ratio of federal to state funds. Those state funds used to access *Pittman-Robertson* allocations are typically sourced through hunting license fees paid to the state, as well as fees on tags for additional game opportunities.

or game species, such as antlerless deer tags or tagging fees. Through this allocation method, any given U.S. state is limited to no more than 5% and no less than one half of 1% of total *Pittman-Robertson* allocations by USFWS.

In the intervening 85+ years since its enactment, *Pittman-Robertson* has collected over 12 billion dollars. As an example, in 2023, FWS apportioned 1.2 billion dollars to U.S states and territories for wildlife and habitat restoration projects. Following is a breakdown of 2021's *Pittman-Robertson* disbursements:

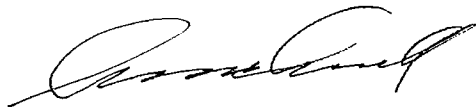
Wildlife Restoration grants: 79 percent,
Basic Hunter Education grants: 20 percent
Enhanced Hunter Education grants: 1 percent
Traditional multi state grants: \$8 million

As you can see, *Pittman-Robertson* has created a robust model of conservation and wildlife habitat funding. Back to the bill, I propose LD 629 be re-written to be able to capture the 5.5% sales and use tax on firearms and ammunition sold at retail in Maine and re-direct those funds in a way, through Maine Inland Fisheries and Wildlife, to be eligible for *Pittman-Robertson* matching funds to fund wildlife habitat improvement projects. Those funds would make Maine eligible for a larger share of *Pittman-Robertson* disbursements, potentially at a rate of 3:1.

Maine has an existing program for the state purchase and preservation of deer wintering yards, forested areas crucial to whitetail survival that deer seasonally gather in to protect them from extreme winter weather. Because of their timber value, these wintering yards are in danger of being harvested, leaving deer without the thermal cover they need in winter. Maine's program allows state purchase of yards identified as critical habitat. The redirection of Maine's sales tax on firearms and ammunition to engagement with federal *Pittman-Robertson* funds would allow funding of Maine's existing purchase of deer wintering yards, and improvement of other critical habitat, at a rate as high as 3:1.

I'm excited about this bill. It has the potential to harness an existing sales tax to be eligible for a well-funded and well-established federal wildlife protection program to support Maine's wise and forward-thinking wildlife habitat protections, all through a pre-existing mechanism that IF&W is already a part of. Although I expect The Sportsman's Alliance of Maine and possibly IF&W to follow with presentations, I'm happy to accept questions from the committee and I appreciate your kind attention. I genuinely believe this idea provides a unique opportunity for Maine.

Sincerely,



Donald J. Ardell
State Representative

Excerpt from the *Pittman-Robertson Act*

(e) Wildlife conservation and restoration programs

(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds from the Wildlife Conservation and Restoration Account, to develop a program. To apply, a State shall submit a comprehensive plan that includes—

(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

(B) provisions for the development and implementation of—

(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

(ii) wildlife-associated recreation projects; and

(iii) wildlife conservation education projects pursuant to programs under section 669g(a) of this title; and

(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

(D) Wildlife conservation strategy.—Within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

(i) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

(ii) identifies the extent and condition of wildlife habitats and community types essential to conservation of species identified under paragraph (1);

(iii) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

(iv) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

(v) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

(vi) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

(vii) provides for coordination to the extent feasible the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (d), as

redesignated ¹ an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

(5) For purposes of this subsection, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

PITTMAN-ROBERTSON EXCISE TAX

In the early 1900s, when many wildlife species were dwindling in numbers or disappearing, the firearms and ammunition industry stepped forward and asked Congress to impose an excise tax on the sale of firearms and ammunition products to help fund wildlife conservation in the United States. The Federal Aid in Wildlife Restoration Act (also known as the Pittman-Robertson Act (PR)) became law in 1937. The revenue generated from the excise tax is apportioned to state wildlife agencies for conservation efforts, hunter's education and shooting projects and programs.

Since the program's inception, \$12.5 billion has been collected from manufacturers and awarded to states through PR making the firearms and ammunition industry America's largest contributor to conservation and access. Over the past 75 years, PR revenue has helped to rebuild the population of numerous species and extend their ranges farther than they were in the 1930s.¹

HOW DOES THE PITTMAN-ROBERTSON ACT WORK?

The excise tax is set at 11% of the wholesale price for long guns and ammunition and 10% of the wholesale price for handguns. The excise tax applies basically to all commercial sales and imports whether their purpose is for shooting, hunting or personal defense and is paid by manufacturers, producers and importers. The tax is currently administered by the Alcohol and Tobacco Tax and Trade Bureau (TTB) in the Department of the Treasury,

which turns the funds over to the U.S. Fish and Wildlife Service (USFWS).

HOW ARE THE PITTMAN-ROBERTSON FUNDS ALLOCATED?

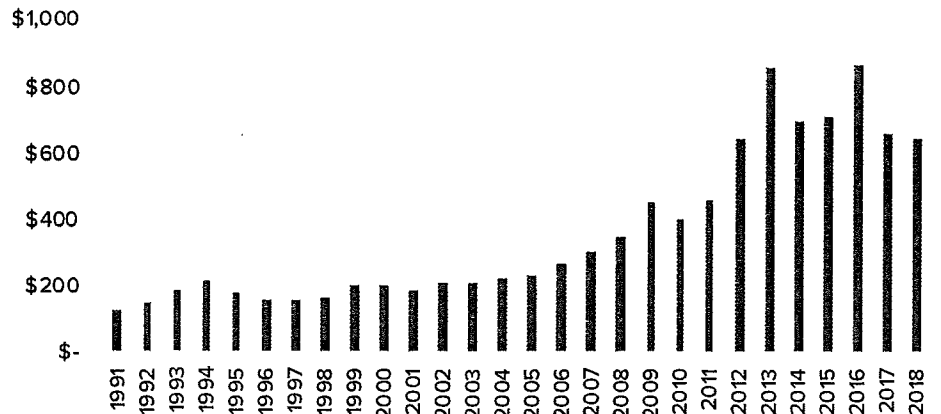
USFWS then deposits the PR revenue into a special account called the Wildlife Restoration Trust Fund, which is administered by the USFWS. These funds are made available to states and territories the year following their collection.

The distribution of the funds is set by a formula. First, \$8 million is utilized for Enhanced Hunter Education programs, including the construction or maintenance of public target ranges. Second, \$3 million is set aside for projects that require cooperation among the states. Third, one-half of the excise tax collected on handguns are set aside for Basic Hunter Education programs.² In most cases, states must



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**Pittman-Robertson Firearms & Ammunition
Excise Tax Collections,
Jan. 1991 - Dec. 2018
(\$ in millions)**



match at least 25% of a project's cost.

The remainder of the trust fund is then divided in half with 50% allocated in proportion to the area of the state and 50% in proportion to the number of paid hunting licenses in the state relative to paid hunting licenses in the entire country.

HOW LARGE IS THE PITTMAN-ROBERTSON FUND TODAY?

Total distributions from the Wildlife Restoration and the Hunter Education and safety programs amounted to \$3.8 billion for FY 2015 through FY2019, an average of \$751 million per year.ⁱⁱⁱ According to USFWS data, over \$12.5 billion has been collected since 1939.

WHAT TYPES OF PROJECTS ARE FUNDING BY PITTMAN-ROBERTSON?

States use the apportioned funds to restore and manage wildlife habitat, for both game and non-game species alike, and to open and maintain access for hunting, shooting and other outdoor recreation. White-tailed deer, elk, turkey and antelope are some of the many species that have seen their populations grow as a result of Pittman-Robertson funding. Additionally, the funds deliver hunter education programs and research projects focused on critical habitat management practices.

WHY IS PITTMAN-ROBERTSON SO EFFECTIVE?

Pittman-Robertson creates a direct link between those that hunt and participate in the shooting sports and the resources needed to expand and enhance opportunities to hunt and shoot. Known as the North American model of wildlife conservation, this user pays-public benefit model is extremely successful because sportsmen and women and the industries that serve them have always been willing to pay extra to enhance, expand and protect America's hunting, shooting and conservation heritage.

i U.S. Fish and Wildlife Service, "Federal Aid Division -- The Pittman-Robertson Federal Aid in Wildlife Restoration Act," <http://www.fws.gov/south-east/federalaid/pittmanrobertson.html>.

ii An excise tax is also imposed on archery equipment such as bows, quivers, broadheads and shafts.

iii Congressional Research Service, "Pittman-Robertson Wildlife Restoration Act: Understanding Apportionments for States and Territories," April 5, 2019. <https://fas.org/sgp/crs/misc/R45667.pdf>

